

CC Equity 33-500-5-37

MARION R. CHAFIN,
Complainant,

No. 402. VS.

MABEL CHAFIN,
Respondent.

This cause coming on to be heard, upon motion of Complainant,
it is ordered that the Register publish the testimony.

In Term Time.

CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No. 42 Marion Chatum VS. Mabel Chum PLAINTIFF
DEFENDANT

BILL OF COSTS

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	¢
Filing each bill and other papers	\$	10	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof		40	Each notice sent by mail to creditor	15	
Entering each return thereof		15	Filing receipting for and docketing each claim, etc.	25	
For each order of publication	1	00	For all entries on subpoena docket, etc.	50	
Issuing Writ of injunction	1	50	For all entries on commission docket, etc.	50	
For each copy thereof		50	Making final record. per 100 words	15	
Entering each return thereof		15	Certified copy of decree	1	00
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50	
Entering each return thereof		15	TOTAL FEES OF REGISTER..		
Docketing each case	1	00	FEES OF SHERIFF		
Entering each appearance		25	Serving and returning subpoena on deft. \$1 50		
Issuing each decree pro confesso on per ser. 1 00	1	00	Serving and returning subpoena for witness	65	
Issuing each decree pro confesso on publica 1 00	1	00	Levyng attachment	1	50
Each order appointing guardian	1	00	Entering and returning same	25	
Any other order by Register		50	Selling property attached		
Issuing Commission to take testimony		50	Impaneling Jury	75	
Receiving and filing		10	Executing Writ of possession	2	50
Endorsing each package		10	Collecting execution for costs	1	50
Entering order submitting cause		50	Serving and returning sci. fa., each	65	
Entering any other order of court		25	Serving and returning notice	65	
Noting all testimony		50	Serving and returning writ of injunction 1 50		
Abstract of cause, etc.	1	00	Serving and returning writ of exeat	1	50
Entering each decree		75	Taking and approving bonds, each	75	
For every 100 words over 500		15	Collecting money on execution		
Taking account, etc.	3	00	Making Deed	2	50
Taking testimony, etc		15	Serving and returning application, etc. 1 00		
Each report, 500 words or less	2	50	Serving attachment, contempt of court. 1 50		
For every 100 words over 500		15	TOTAL FEES OF SHERIFF ..		
Amount claimed less than \$500, etc	2	00	RECAPITULATION		
Issuing each subpoena		25	Register's Fees		
Witness certificate, each		25	Sheriff's Fees		
Issuing execution, each		75	Commissioner's Fees		
Entering each return		15	Solicitor's Fees		
Taking and approving bond, each	1	00	Witness Fees		
Making copy of bill, etc		15	Guardian Ad Litem		
Each notice not otherwise provided for		50	Printer's Fees		
Each certificate or affidavit, with seal		50	Trial Tax	3	00
Each certificate or affidavit, no seal		25	Recording Decree in Probate Court		
Hearing and passing on application, etc. 3 00	3	00	TOTAL		
Each settlement with Receiver, etc.	3	00			
Examing each voucher of Receiver, etc		10			
Examing each answer, etc.	3	00			
Recording resignation, etc		75			
Entering each certificate to Supreme Court		50			
Taking questions and answers, etc		25			
For all other ser relating to such proceedings 1 00	1	00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward					

THE STATE OF ALABAMA, BALDWIN COUNTY

MARION R. CHAFIN,

Complainant and
Cross-Respondent

vs.

MABEL CHAFIN,

Respondent and
Cross-Complainant

CIRCUIT COURT

IN EQUITY

AT BAY MINETTE, ALABAMA

This cause is submitted for decree on the pleadings and the testimony as shown by the note of submission, waiver and agreement on file, and on consideration the Court is of the opinion that complainant is not entitled to relief on his original bill but that cross-complainant is entitled to relief on her cross-bill.

It is, therefore, ordered, adjudged and decreed by the Court that the cross-complainant, Mabel Chafin, is entitled to relief, and that the bonds of matrimony heretofore existing between the said cross-complainant, Mabel Chafin and the cross-respondent, Marion R. Chafin, be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that the cross-complainant, Mabel Chafin and the cross-respondent, Marion R. Chafin, each be and the same is hereby permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, but in no event before the expiration of sixty days after the rendition of this decree.

It is further ordered, adjudged and decreed that the cross-respondent, Marion R. Chafin, pay to the cross-complainant, Mabel Chafin, Five (\$5.00) Dollars per month as alimony, as per agreement on file, and for which execution may issue. The Court, however, retains jurisdiction of said cause as to the amount of alimony allowed, for the purpose

of increasing or decreasing same, as circumstances may justify.

It is further ordered that complainant and cross-respondent, Marion R. Chafin, pay the costs of this suit, for which execution may issue.

In term time, *July 2nd* 1938.

F. W. Hare

JUDGE

FOOT NOTE:

The Respondent, MABEL CHAFIN, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 3, inclusive, but not under oath, oath being hereby expressly waived.

Barbara Ann Duke
Solicitors for Complainant.

The State of Alabama, }
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

MABEL CHAFIN,

Plateau, Alabama, % Mrs. Byron Havard.

of Mobile

County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

MARION F. CHAFIN,

against said

MABEL CHAFIN,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 14th day

of March 193 8

R.S. Duck

Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

MARION R. CHAFIN,	:	
Complainant,	:	IN THE CIRCUIT COURT OF
	:	
vs.	:	BALDWIN COUNTY, ALABAMA
	:	
MABEL CHAFIN,	:	IN EQUITY
Respondent.	:	

Now comes Mabel Chafin, respondent in the above said cause, and for answer to the bill of complaint as filed therein says as follows:

That the complainant and respondent are both over the age of twenty-one years, complainant being a bona fide resident of Baldwin County, Alabama, and your respondent a resident of Mobile County, Alabama, and both being bona fide resident citizens of Alabama, for more than three years next prior to the filing of the bill of complaint in this case.

That the complainant and respondent were married at Rabon, in Baldwin County, Alabama, on or about the 29th day of July, 1923, and lived together as husband and wife in Baldwin County for sometime thereafter, there being born to them a child.

That the respondent denies the allegations as contained in the third paragraph of said bill of complaint, in which it is alleged she abandoned the complainant, but, to the contrary, she says the complainant Marion R. Chafin, did voluntarily abandon her bed and board more than two years prior to the filing of the bill of complaint in this cause and without any cause on her part whatsoever, and since which time he has lived separate and apart from her, has contributed nothing to her support or that of the child since such separation.

Wherefore, the respondent prays that the Court will take this her answer as a cross-bill to the above said cause, and that your Honor will, by proper process, make the said Marion R. Chafin cross-respondent to this cross-bill, requiring him to answer, plead or demur to same within the time

and under the penalties prescribed by law in the practice of this Honorable Court, and that the Court will enter a decree requiring the said Marion R. Chafin to pay to this cross-complainant a reasonable amount of alimony for the support of her and the said child and granting her the custody of said child, she being the proper party to care for and rear said child; and upon the final hearing of this cause will grant unto her a decree of divorce, dissolving the bonds of matrimony now existing between her and the said Marion R. Chafin, granting her the right to marry again, and all other and further relief as she may be entitled to, the premises considered.

And she will ever pray, etc.

Gordon Emory Leigh & Gordon
SOLICITORS FOR RESPONDENT AND
CROSS-COMPLAINANT

FOOTNOTE: Cross-respondent is required to answer each and every paragraph of the foregoing cross-bill but not under oath, his oath hereto being hereby expressly waived.

Gordon Emory Leigh & Gordon
SOLICITORS FOR RESPONDENT AND
CROSS-COMPLAINANT

MARION R. CHAFIN,

Complainant and
Cross-Respondent

vs.

MABEL CHAFIN,

Respondent and
Cross-Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. _____ IN EQUITY.

Now comes Mabel Chafin, the respondent and cross-complainant in this cause, and amends her answer and cross-bill so that paragraph two thereof, in which it is alleged that the parties were married on or about the 29th day of July, 1923, will read as follows:

That the complainant and respondent were married at Rabon, in Baldwin County, Alabama, on or about the 29th day of July, 1934, and lived together as husband and wife in Baldwin County for sometime thereafter, there being born to them a child.

London Singleton Lewis & Gordon
SOLICITORS FOR RESPONDENT AND
CROSS-COMPLAINANT

We, the undersigned solicitors of record for the complainant and cross-respondent in the above styled cause, do hereby agree that the answer and cross-bill of the respondent and cross-complainant be amended as above set out, hereby waiving any notice thereof which may be due to us under the rules of law.

Babe Nellie Duke
SOLICITORS FOR COMPLAINANT AND
CROSS-RESPONDENT

MARION R. CHAFIN,

Complainant and
Cross-Respondent

vs.

MABEL CHAFIN,

Respondent and
Cross-Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

Now come the parties complainant and cross-respondent and respondent and cross-complainant and each, by their solicitors of record, does hereby agree that in the event that this Honorable Court should render a decree of divorce in favor of the cross-complainant, Mabel Chafin, in this cause, that said decree may provide that the cross-respondent, Marion R. Chafin, will pay Five (\$5.00) Dollars per month as alimony to the respondent and cross-complainant.

Given under our hands this the 20 day of July, 1938.

Becher & Becher

SOLICITORS FOR COMPLAINANT
AND CROSS-RESPONDENT

*Gordon Edington Leigh & Gordon
Solic for Respondent & Cross-Complainant*

NOTE OF EVIDENCE

No.

MARION R. CHAFIN,

Complainant and Cross-Respondent

VS.

MABEL CHAFIN,

Respondent and Cross-Complainant

At the hearing of this cause the following note

of evidence was taken to-wit.

FOR COMPLAINANT and CROSS-RESPONDENT

FOR RESPONDENT and CROSS-COMPLAINANT

1. Respondent's answer and cross-bill as last amended
2. Agreement between solicitors of record to take testimony of witnesses for respondent and cross-complainant
3. Depositions of Mabel Chafin and Carrie E. Havard, witnesses for respondent and cross-complainant
4. Agreement as to alimony

Attest:

P. S. Lucas

Register.

RECORDED
2-376

Done

Filed this 26 day July 1938

P. S. Quack
Clerk-Registrar

RECORDED AND INDEXED
7-14-22

BILL OF COMPLAINT

MARION R. CHAFFIN,

Complainant,

VS.

MABEL CHAFFIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

*Filed August 14, 1935.
R. S. Drost, Register*

33
Original
Mrs. Byron Heavard,
Plateau, Alabama.
(Mobile County)

Serve on _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 402

SUMMONS

MARTIN R. CHAFFIN,
Complainant,

vs.

MABEL CHAFFIN,
Respondent.

BEER, HALL & BEER,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

RECORDED

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this 29 day of

March 1938

by leaving a copy of the within Summons with

Mabel Chaffin

Defendant

R. F. Heavard
Sheriff

By D. N. Ferguson
Deputy Sheriff

RECORDED
Dued
7-422

Chapin vs.

Chapin.

Answer & Cross-Bills.

Filed April 22 1936
B. S. D. S. C.
B. S. D. S. C.

ANSWER TO CROSS-BILL

MARION P. CHAFFIN,

Complainant,

VS.

MABEL CHAFFIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

Filed this 3 day May 1935
R. S. [Signature]
Clerk-Register

RECORDED Duck
7-495

Amendment

Filed July 23, 1935
R. S. Duck, Register

and
RECORDED 7-1985

Agreement

Filed July 23, 1985
R. S. Duck, Register

NOT RECORDED

RECORDED

2-375

Price

BALDWIN COUNTY
CIRCUIT COURT of ~~MOBILE~~
Bay / ~~Mobile~~ Alabama

IN EQUITY

No. _____

Vs. } Note of Evidence

Read and filed *July 23,* 193*8*

R.S. Quirk
Register.

Entered Minutes _____ Page _____

ON, ED. STONE & LEIGH
ATTORNEYS AT LAW
MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

Mabel Chafin,
Respondent and
Cross-Complainant

In the Circuit Court of
Baldwin County, Alabama

In Equity

Depositions of Mrs. Mabel Chafin
and Mrs. Carrie E. Havard, wit-
nesses on behalf of Respondent
and Cross-Complainant.

Marie Layton
Commissioner
Commissioner's Fee \$5.00

Hon. Robert S. Duck,
Register in Chancery,
Bay Minette, Alabama.

Filed July 23, 1988
R. S. Duck, Register

Seal
Marie Layton
Commissioner

Seal
Marie Layton
Commissioner

Seal
Marie Layton
Commissioner

MARION R. CHAFIN,

Complainant and
Cross-Respondent

vs.

MABEL C. CHAFIN,

Respondent and
Cross-Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. _____ IN EQUITY.

Now come the parties in the above said cause, by their respective solicitors of record, and do hereby agree that Miss Marie Layton, a Notary Public of Mobile County, Alabama, and whose business address is the Merchants National Bank Building of Mobile, Alabama, can take the testimony of the witnesses for the respondent and cross-complainant, Mabel C. Chafin, without the issuance to her of a commission out of the Circuit Court of Baldwin County, and that the testimony so taken shall be treated in all respects as if the law in such matters had been strictly complied with; that the testimony which she is authorized to take will be that of Mrs. Mabel C. Chafin and Mrs Carrie E. Havard, both of Mobile County, Alabama, and that when said testimony is taken, reduced to writing and signed by said witnesses, and this agreement thereto attached by Miss Marie Layton, it shall be deemed in full compliance with the law, and when said testimony is so taken and filed in this Court, same may be published and the cause may be submitted for a decree in said cause, the complainant and cross-respondent waiving any and all right to be present at the taking of such testimony and agreeing that said cause may be submitted upon the testimony so taken upon the pleasure of said respondent and cross-complainant.

Given under our hands this the 18th day of June, 1938.

Beeshae & Beeshae
SOLICITORS FOR COMPLAINANT AND CROSS-RESPONDENT

Arthur Layton Leigh & Gordon
SOLICITORS FOR RESPONDENT AND CROSS-COMPLAINANT

at Rabon, in Baldwin County, Alabama, on or about July 29, 1934, and we did live together as husband and wife in Baldwin County, Alabama, for sometime thereafter, and there was born to us one child. The said Marion R. Chafin voluntarily abandoned my bed and board more than two years before the filing of the bill of complaint in this cause and before I filed my cross-complaint in this cause. I don't know why he abandoned me as I never gave him any reason whatsoever for leaving me. I tried to be a good wife to him and also a good mother to our child. He notified me in writing that he was gone, more than two years ago, and, in fact, it was in January, 1936, and since that time I have been living in Mobile County with my relatives, earning my living as best I could. Marion R. Chafin has not contributed one penny toward my support or that of our child during the period of time that he has abandoned us. I have not lived with Marion R. Chafin in any manner whatsoever since he abandoned me. He has neither lived in the house with me nor eaten at the table with me during all of that time, and, in fact, we have lived together in no way whatsoever, as above testified to. I have the child with me and it has been with me all of the while and I am going to do the best I can for the child.

Mable Chafin

TESTIMONY OF MRS. CARRIE E. HAVARD

My name is Carrie E. Havard. I am over the age of twenty-one years. I reside in Mobile County, Alabama, and have resided in Mobile County for about ten years. I am the aunt of Mable . Chafin. I know of my own personal knowledge that Marion R. Chafin has not lived with Mabel . Chafin for a period of more than two years before March, 1938. In fact, Mabel . Chafin has been living in Mobile County with or near

me since about Christmas, 1935. I know that during all of that time that Marion R. Chafin has not lived with Mabel . . . Chafin in any way whatsoever, and so far as I can learn, has contributed nothing to her support or that of their child. Mabel . . . Chafin lived in my house for quite a long while during this period of time and I know that during that time he absolutely did nothing for her or the child. I have seen her frequently during the whole period of time and I know that he has not lived with her at all. She has been working for the Kraft Paper Mill in Mobile County for more than two years and earning her own living and that of her child. While she is working, she leaves the child with one of her aunts and the child is in good hands and being well cared for. Mabel . . . Chafin is a good woman, a splendid mother, and I don't see why any man would want to abandon her.

Carrie E. Howard.

CERTIFICATE

I, Marie Layton, the person agreed upon in the agreement between the solicitors of record to take the testimony in the foregoing cause, which agreement is hereto attached, do hereby certify that in a certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein Marion R. Chafin is the Complainant and Cross-Respondent and Mabel Chafin is the Respondent and Cross-Complainant, under and by virtue of the power conferred upon me in said agreement, I caused the said Mabel Chafin and Mrs. Carrie E. Havard, who are known to me, and who are known to me to be the identical witnesses named in the said agreement, to come before me at the time and place hereinafter named, that is to say I caused the said Mrs. Mabel Chafin and Mrs. Carrie E. Havard each to come before me at 1011 Merchants National Bank Building, Mobile, Alabama, on the 15th day of July, 1938; that the said witnesses were first duly sworn by me as stated, that they were then examined orally and testified in response thereto as it is hereinabove written; that their testimony was by me reduced to writing as given by them and as near as might be in the identical language of the said witnesses, and that after their testimony had been reduced to writing it was read over by the said witnesses, who assented to and signed the same in my presence and in the presence of the Solicitor for Respondent and Cross-Complainant.

I further certify that I am not of counsel or of kin to any of the parties to the cause, and am not in anywise interested in the result thereof.

WITNESS my hand this ~~21st~~ day of July, 1938.

Marie Layton
COMMISSIONER

Commissioner's Fee \$5.00